



# House of Representatives

General Assembly

**File No. 624**

January Session, 2013

Substitute House Bill No. 5600

*House of Representatives, April 24, 2013*

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING REGISTRARS OF VOTERS, THE AUTHORITY OF THE SECRETARY OF THE STATE AND THE STATE ELECTIONS ENFORCEMENT COMMISSION AND THE POSTING OF REQUIREMENTS FOR VOTER IDENTIFICATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-5a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each town shall (1) provide the registrars of voters with office  
4 space, supplies and equipment, including facilities for the safe storage  
5 of the official records of such registrars [ Such records] of voters, and  
6 (2) ensure that each registrar of voters may access the Internet and  
7 correspond with the Secretary of the State using electronic mail.

8 (b) The official records of the registrars of voters of a town shall be  
9 accessible to all registrars of voters in such town and [they] all of the  
10 registrars of voters shall be [jointly] responsible for [their] the  
11 safekeeping of such records.

12 Sec. 2. Section 9-3 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective from passage*):

14 The Secretary of the State, by virtue of the office, shall be the  
15 Commissioner of Elections of the state, with such powers and duties  
16 relating to the conduct of elections as are prescribed by law and, unless  
17 otherwise provided by state statute, the secretary's regulations,  
18 declaratory rulings, instructions and opinions, if in written form, shall  
19 be presumed as correctly interpreting and effectuating the  
20 administration of elections and primaries under this title, except for  
21 [chapter 155] chapters 155 to 158, inclusive, and shall be executed,  
22 carried out or implemented, as the case may be, provided nothing in  
23 this section shall be construed to alter the right of appeal provided  
24 under the provisions of chapter 54. Any such written instruction or  
25 opinion shall be labeled as an instruction or opinion issued pursuant to  
26 this section, as applicable, and any such instruction or opinion shall  
27 cite any authority that is discussed in such instruction or opinion.

28 Sec. 3. Subdivision (2) of subsection (a) of section 9-7b of the general  
29 statutes is repealed and the following is substituted in lieu thereof  
30 (*Effective from passage*):

31 (2) To levy a civil penalty not to exceed (A) two thousand dollars  
32 per offense against any person the commission finds to be in violation  
33 of any provision of chapter 145, part V of chapter 146, part I of chapter  
34 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,  
35 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,  
36 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-  
37 40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-  
38 232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-  
39 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand  
40 dollars per offense against any town clerk, registrar of voters, an  
41 appointee or designee of a town clerk or registrar of voters, or any  
42 other election or primary official whom the commission finds to have  
43 failed to discharge a duty imposed by any provision of [chapter 146 or  
44 147] title 9, except chapters 155 to 158, inclusive, (C) two thousand

45 dollars per offense against any person the commission finds to have (i)  
46 improperly voted in any election, primary or referendum, and (ii) not  
47 been legally qualified to vote in such election, primary or referendum,  
48 or (D) two thousand dollars per offense or twice the amount of any  
49 improper payment or contribution, whichever is greater, against any  
50 person the commission finds to be in violation of any provision of  
51 [chapter 155 or 157] chapters 155 to 158, inclusive. The commission  
52 may levy a civil penalty against any person under subparagraph (A),  
53 (B), (C) or (D) of this subdivision only after giving the person an  
54 opportunity to be heard at a hearing conducted in accordance with  
55 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such  
56 penalty levied pursuant to this subsection within thirty days of written  
57 notice sent by certified or registered mail to such person, the superior  
58 court for the judicial district of Hartford, on application of the  
59 commission, may issue an order requiring such person to pay the  
60 penalty imposed and such court costs, state marshal's fees and  
61 attorney's fees incurred by the commission as the court may  
62 determine. Any civil penalties paid, collected or recovered under  
63 subparagraph (D) of this subdivision for a violation of any provision of  
64 chapter 155 applying to the office of the Treasurer shall be deposited  
65 on a pro rata basis in any trust funds, as defined in section 3-13c,  
66 affected by such violation;

67 Sec. 4. Subdivision (2) of subsection (a) of section 9-7b of the general  
68 statutes, as amended by section 12 of public act 12-56, is repealed and  
69 the following is substituted in lieu thereof (*Effective January 1, 2014*):

70 (2) To levy a civil penalty not to exceed (A) two thousand dollars  
71 per offense against any person the commission finds to be in violation  
72 of any provision of chapter 145, part V of chapter 146, part I of chapter  
73 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,  
74 section 9-19b, 9-19e, 9-19g to 9-19k, inclusive, 9-20, 9-21, 9-23a, 9-23g, 9-  
75 23h, 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c,  
76 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to  
77 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436,  
78 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand

79 dollars per offense against any town clerk, registrar of voters, an  
80 appointee or designee of a town clerk or registrar of voters, or any  
81 other election or primary official whom the commission finds to have  
82 failed to discharge a duty imposed by any provision of [chapter 146 or  
83 147] title 9, except chapters 155 to 158, inclusive, (C) two thousand  
84 dollars per offense against any person the commission finds to have (i)  
85 improperly voted in any election, primary or referendum, and (ii) not  
86 been legally qualified to vote in such election, primary or referendum,  
87 or (D) two thousand dollars per offense or twice the amount of any  
88 improper payment or contribution, whichever is greater, against any  
89 person the commission finds to be in violation of any provision of  
90 [chapter 155 or 157] chapters 155 to 158, inclusive. The commission  
91 may levy a civil penalty against any person under subparagraph (A),  
92 (B), (C) or (D) of this subdivision only after giving the person an  
93 opportunity to be heard at a hearing conducted in accordance with  
94 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such  
95 penalty levied pursuant to this subsection within thirty days of written  
96 notice sent by certified or registered mail to such person, the superior  
97 court for the judicial district of Hartford, on application of the  
98 commission, may issue an order requiring such person to pay the  
99 penalty imposed and such court costs, state marshal's fees and  
100 attorney's fees incurred by the commission as the court may  
101 determine. Any civil penalties paid, collected or recovered under  
102 subparagraph (D) of this subdivision for a violation of any provision of  
103 chapter 155 applying to the office of the Treasurer shall be deposited  
104 on a pro rata basis in any trust funds, as defined in section 3-13c,  
105 affected by such violation.

106 Sec. 5. Subsection (a) of section 9-261 of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective from*  
108 *passage*):

109 (a) In each primary, election or referendum, when an elector has  
110 entered the polling place, the elector shall announce the elector's street  
111 address, if any, and the elector's name to the official checkers in a tone  
112 sufficiently loud and clear as to enable all the election officials present

113 to hear the same. Each elector who registered to vote by mail for the  
 114 first time on or after January 1, 2003, and has a "mark" next to the  
 115 elector's name on the official registry list, as required by section 9-23r,  
 116 shall present to the official checkers, before the elector votes, either a  
 117 current and valid photo identification that shows the elector's name  
 118 and address or a copy of a current utility bill, bank statement,  
 119 government check, paycheck or other government document that  
 120 shows the name and address of the elector. Each other elector shall (1)  
 121 present to the official checkers the elector's Social Security card or any  
 122 other preprinted form of identification which shows the elector's name  
 123 and either the elector's address, signature or photograph, or (2) on a  
 124 form prescribed by the Secretary of the State, write the elector's  
 125 residential address and date of birth, print the elector's name and sign  
 126 a statement under penalty of false statement that the elector is the  
 127 elector whose name appears on the official checklist. Such form shall  
 128 clearly state the penalty of false statement. A separate such form shall  
 129 be used for each elector. If the elector presents a preprinted form of  
 130 identification under subdivision (1) of this subsection, the official  
 131 checkers shall check the name of such elector on the official checklist. If  
 132 the elector completes the form under subdivision (2) of this subsection,  
 133 the registrar of voters or the assistant registrar of voters, as the case  
 134 may be, shall examine the information on such form and either instruct  
 135 the official checkers to check the name of such elector on the official  
 136 checklist or notify the elector that the form is incomplete or inaccurate.  
 137 The provisions of this subsection describing requirements for  
 138 identification shall be posted where the official checkers are located in  
 139 each polling location, in a manner prescribed by the Secretary of the  
 140 State.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-5a
Sec. 2	<i>from passage</i>	9-3
Sec. 3	<i>from passage</i>	9-7b(a)(2)
Sec. 4	<i>January 1, 2014</i>	9-7b(a)(2)
Sec. 5	<i>from passage</i>	9-261(a)

***Statement of Legislative Commissioners:***

Rewrote last sentence of section 2 for clarity.

***GAE***      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Governmental Accountability, Off.	GF - Potential Revenue Gain	Minimal	Minimal

**Municipal Impact:**

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Municipalities	Potential Cost	See Below	See Below

**Explanation**

The bill requires municipalities to ensure internet and electronic mail access for registrars of voters. To the extent that certain municipalities may not have internet and electronic mail access, there is a potential minimal cost to municipalities arising from this provision.

The bill also expands the list of violations for which the State Elections Enforcement Commission can levy \$2,000 penalties. There is a potential minimal revenue gain for the Office of Governmental Accountability arising from this provision.

Lastly, the bill requires municipalities to post the requirements for voter identification where the official checkers are located in a polling place. This may result in a minimal cost to municipalities associated with signage.

**The Out Years**

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation and the number of fines imposed by the State Elections Enforcement Commission.



**OLR Bill Analysis****sHB 5600*****AN ACT CONCERNING REGISTRARS OF VOTERS, THE AUTHORITY OF THE SECRETARY OF THE STATE AND THE STATE ELECTIONS ENFORCEMENT COMMISSION AND THE POSTING OF REQUIREMENTS FOR VOTER IDENTIFICATION.*****SUMMARY:**

This bill:

1. requires towns to ensure that their registrars of voters have Internet access and can correspond with the secretary of the state using e-mail;
2. specifies that the secretary's written declaratory rulings, instructions, and opinions must be executed, carried out, or implemented;
3. requires that the secretary label written instructions and opinions as such and cite the statutory authority under which they are issued; and
4. requires that voter ID requirements be posted in each polling place where the official checkers are located and in a manner the secretary prescribes.

In addition, the bill expands the State Elections Enforcement Commission's (SEEC) authority to levy a civil penalty of up to \$2,000 per offense against town clerks, registrars of voters, and primary or election officials who fail to discharge certain statutory duties. It allows the SEEC to impose such a penalty on these officials for failing to discharge duties imposed under all state election laws, other than campaign finance laws. Currently, the penalty applies only to duties imposed under certain state election laws (generally, those governing

voting methods and primary or election dates). By law, the SEEC can also impose a civil penalty of up to \$2,000 per offense or twice the amount of any improper payment or contribution, whichever is greater, against a person it finds has violated state campaign finance laws.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage, except a technical and conforming change is effective both upon passage and on January 1, 2014. The latter amends a statute that is not effective until 2014.

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 9      Nay 5      (04/05/2013)